



# CITY OF SANTA BARBARA CITY COUNCIL MINUTES

## REGULAR MEETING November 23, 2010 COUNCIL CHAMBER, 735 ANACAPA STREET

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### CALL TO ORDER

Mayor Helene Schneider called the meeting to order at 2:01 p.m. The Finance and Ordinance Committees, which ordinarily meet at 12:30 p.m., did not meet on this date.)

### PLEDGE OF ALLEGIANCE

Mayor Schneider.

### ROLL CALL

Councilmembers present: Dale Francisco, Frank Hotchkiss, Grant House, Michael Self, Bendy White, Das Williams, Mayor Schneider.

Councilmembers absent: None.

Staff present: City Administrator James L. Armstrong, City Attorney Stephen P. Wiley, City Clerk Services Manager Cynthia M. Rodriguez.

### CEREMONIAL ITEMS

1. Subject: Proclamation Of Commendation For Das Williams (120.08)

Speakers: Kate Smith.

Action: Proclamation presented to Councilmember Das Williams.

### PUBLIC COMMENT

Speakers: Wayne Scoles; Kenneth Loch; Jeffery Wood, Temple of Higher Consciousness; Kate Smith, AIE the person; Geof Bard; Robert Burke.

## CONSENT CALENDAR (Item Nos. 2 – 8)

The titles of the ordinances and resolution related to the Consent Calendar were read.

Motion:

Councilmembers Williams/Francisco to approve the Consent Calendar as recommended.

Vote:

Unanimous roll call vote.

2. Subject: Purchase Order Contract And Vendor Support For Handheld Meter Reader Devices (540.01)

Recommendation: That Council:

- A. Authorize the General Services Manager to award a Purchase Order Contract in the amount of \$45,100 to Inland Water Works Supply Company (Inland), for the purchase of Itron computerized handheld meter reader devices, related software and training;
- B. Authorize the General Services Manager to award a Purchase Order Contract in the amount of \$1,400 to Itron Incorporated (Itron) for the first year of software support; and
- C. Authorize Itron System as the sole source vendor for future system enhancements, such as remote meter reading, through Fiscal Year 2015.

Action: Approved the recommendations (November 23, 2010, report from the Public Works Director).

3. Subject: Lease Of Las Positas Tennis Facility To Elings Park Foundation (570.07)

Recommendation: That Council introduce and subsequently adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Approving an 18-Year Lease with an Option to Renew for an Additional Ten Years with the Elings Park Foundation for the Las Positas Tennis Facility.

Action: Approved the recommendation (November 23, 2010, report from the Parks and Recreation Director; proposed ordinance).

4. Subject: October 2010 Investment Report (260.02)

Recommendation: That Council accept the October 2010 Investment Report.

Action: Approved the recommendation (November 23, 2010, report from the Finance Director).

5. Subject: Adoption Of Sign Committee Reconstitution And Other Ordinance Amendments To Increase Efficiency (640.02)

Recommendation: That Council adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Amending Title 22 of the Santa Barbara Municipal Code Relating to the Expiration of Project Design Review Approvals, Amending Section 27.07.110 of Title 27 Relating to Approved Subdivision Maps, and Amending Chapter 28.87 of Title 28 of the Santa Barbara Municipal Code Relating to the Preparation of Zoning Information Reports and the Expiration and Tolling of Development Plans and Other Project Approvals for Approved Development Projects.

Action: Approved the recommendation; Ordinance No. 5537.

6. Subject: Proposed Change To Parking Violation Penalties Due To Recently-Adopted State Budget (550.01)

Recommendation: That Council adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Amending Resolution No. 10-044, Establishing Certain City Fees, to Authorize Adjustments to Parking Violation Penalties Due to Recently-Adopted State Budget.

Action: Approved the recommendation; Resolution No. 10-093 (November 23, 2010, report from the Deputy Chief of Police; proposed resolution).

## NOTICES

7. The City Clerk has on Thursday, November 18, 2010, posted this agenda in the Office of the City Clerk, on the City Hall Public Notice Board on the outside balcony of City Hall, and on the Internet.
8. Cancellation of the regular City Council meeting of November 30, 2010.

This concluded the Consent Calendar.

## CITY COUNCIL ADMINISTRATIVE AND ATTORNEY REPORTS

### CITY ADMINISTRATOR

9. Subject: Adoption Of 2010-2013 Police Memorandum Of Understanding (440.02)

Recommendation: That Council:

- A. Ratify the Memorandum of Understanding between the City and the Santa Barbara Police Officers' Association by introduction and subsequent adoption of, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Adopting a Memorandum of Understanding Between the City of Santa Barbara and the Santa Barbara Police Officers' Association for the Period of July 1, 2010, through June 30, 2013; and
- B. Adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara for Paying and Reporting the Value of Employer-Paid Member Contributions and Rescinding Resolution No. 99-114 Insofar as it Applies to PERS Police Safety Plan Members of the Santa Barbara Police Officers' Association.

Documents:

- November 23, 2010, report from the Assistant City Administrator/Administrative Services Director.
- Proposed ordinance.
- Proposed resolution.

The titles of the ordinance and resolution were read.

Speakers:

Staff: Employee Relations Manager Kristine Schmidt.

Motion:

Councilmembers House/Williams to approve the recommendations; Resolution No. 10-094.

Vote:

Unanimous roll call vote.

## FINANCE DEPARTMENT

10. Subject: Living Wage Advisory Committee Recommended Changes To The Living Wage Ordinance (800.08)

Recommendation: That Council:

- A. Hear a staff report summarizing the Living Wage Advisory Committee's recommendations and related administrative procedures to improve the Living Wage Ordinance; and
- B. Provide staff with direction with respect to the Committee's recommendations.

Documents:

- November 23, 2010, report from the Finance Director.
- November 23, 2010, PowerPoint presentation prepared and made by staff.

Speakers:

- Staff: General Services Manager William Hornung, Finance Director Robert Samario, City Administrator James Armstrong.
- Living Wage Advisory Committee: Members Allen Williams, Gabe Dominocielo, Dr. Anna Kokotovic, Larry C. Lee, Dick Flacks.
- Members of the Public: Belen Seara, Pueblo Action Fund; Geof Bard.

By consensus, Council received the report.

## **MAYOR AND COUNCIL REPORTS**

12. Subject: Interviews For City Advisory Groups (140.05)

Recommendation: That Council hold interviews of applicants to various City Advisory Groups.

(Estimated Time 4:00 p.m.; continued from November 16, 2010, Agenda Item No. 16)

Speakers:

The following applicants were interviewed:

Access Advisory Committee:

Scott Smigel

Architectural Board of Review:

Chris Gilliland

Civil Service Commission:

Gabe Dominocielo

(Cont'd)

12. (Cont'd)

Speakers (Cont'd):

Community Events & Festivals Committee:

Roger Perry

Creeks Advisory Committee:

Danielle De Smeth

Else Eleonora Wolff

Fire and Police Commission:

Joe Rodriguez

Harbor Commission:

Betsy Cramer

Historic Landmarks Commission:

Michael Patrick Porter

Library Board:

Eric Friedman

Living Wage Advisory Committee:

Larry C. Lee

Joey Corazza

John N. Goodman

Parks and Recreation Commission:

Marcus Lopez

Planning Commission:

Bruce Bartlett

Rental Housing Mediation Task Force:

Robert Burke

Sign Committee:

Bob Cunningham

Sister Cities Board:

Takako Wakita

Transportation & Circulation Committee:

Keith Coffman-Grey

Susan Horne

11. Subject: Professional Services Agreement For Zone 1 Hauler Franchise Renewal (630.01)

Recommendation: That Council:

- A. Direct staff to conduct an open competitive process to solicit proposals for a franchise contract for exclusive solid waste, recyclables, and organics collection and disposal for Zone 1 effective June 7, 2013 (Zone 1 Hauler Franchise);

(Cont'd)

11. (Cont'd)

- B. Authorize the Finance Director to negotiate and execute a Professional Services Agreement, in a form acceptable to the City Attorney, with HF&H Consultants, LLC in an amount not to exceed \$152,000 for competitive contracting assistance;
- C. Appropriate \$152,000 from available reserves to the Solid Waste Fund to cover these contract costs; and
- D. Direct staff to require the successful Zone 1 Hauler to reimburse the City for the HF&H consulting costs.

Documents:

- November 23, 2010, report from the Finance Director.
- November 23, 2010, PowerPoint presentation prepared and made by staff.

Councilmember Williams left the meeting at 5:13 p.m. and returned at 5:20 p.m.

Speakers:

- Staff: Employee Relations Manager Kristine Schmidt, Finance Director Robert Samario.
- Members of the Public: Stephen MacIntosh, Allied Waste Services; Derek Carlson, MarBorg.

Motion:

Councilmembers House/Self to:

- 1) Forward this item to the Sustainability Committee for review and consideration;
- 2) Authorize the Finance Director to negotiate a \$10,000 contract with the consultant to initiate the first phase of the project; and
- 3) Direct staff to return to Council with a full report on the Sustainability Committee's review of the project.

Vote:

Unanimous voice vote.

**RECESS**

Mayor Schneider recessed the meeting at 6:08 p.m. in order for the Council to reconvene in Closed Session for Agenda Item Nos. 13 - 17, and stated that no reportable action is anticipated.

## CLOSED SESSIONS

13. Subject: Conference With Legal Counsel - Pending Litigation (160.03)

Recommendation: That Council hold a closed session to consider pending litigation pursuant to subsection (a) of section 54956.9 of the Government Code and take appropriate action as needed. Pending litigation considered is: City of Santa Barbara v. Mark C. Johnston Construction.

Scheduling: Duration, 10 minutes; anytime

Report: None anticipated

Documents:

November 23, 2010, report from the Finance Director.

Time:

6:15 p.m.- 6:17 p.m.

No report made.

14. Subject: Conference With Legal Counsel - Pending Litigation (160.03)

Recommendation: That Council hold a closed session to consider pending litigation pursuant to subsection (a) of section 54956.9 of the Government Code and take appropriate action as needed. Pending litigation considered is: Steven Robles v. Sandra Spiller.

Scheduling: Duration, 10 minutes; anytime

Report: None anticipated

Documents:

November 23, 2010, report from the Finance Director.

Time:

6:17 p.m. - 6:23 p.m.

No report made.

15. Subject: Conference With Legal Counsel - Pending Litigation (160.03)

Recommendation: That Council hold a closed session to consider pending litigation pursuant to subsection (a) of section 54956.9 of the Government Code and take appropriate action as needed. Pending litigation considered is: Janet Christine Neuhauser v. City of Santa Barbara.

Scheduling: Duration, 10 minutes; anytime

Report: None anticipated

(Cont'd)

15. (Cont'd)

Documents:

November 23, 2010, report from the Finance Director.

Time:

6:23 p.m. - 6:31 p.m.

No report made.

16. Subject: Conference With Legal Counsel - Pending Litigation (160.03)

Recommendation: That Council hold a closed session to consider pending litigation pursuant to subsection (a) of section 54956.9 of the Government Code and take appropriate action as needed. The pending litigation is The Green Light Dispensary, Inc., A California Non-Profit Mutual Benefit Corporation v. City of Santa Barbara, USDC Case No. CV 10-7203 PA (VBKx).

Scheduling: Duration, 15 minutes; anytime

Report: None anticipated

Documents:

November 23, 2010, report from the City Attorney.

Time:

6:31 p.m. - 7:01 p.m.

No report made.

17. Subject: Conference With Legal Counsel - Pending Litigation (160.03)

Recommendation: That Council hold a closed session to consider pending litigation pursuant to subsection (a) of section 54956.9 of the Government Code and take appropriate action as needed. The pending litigation is Santa Barbara Patients' Collective Health Cooperative v. City of Santa Barbara, et al., USDC Case No. CV10-6534 DDP(RCx).

Scheduling: Duration, 15 minutes; anytime

Report: None anticipated

Documents:

November 23, 2010, report from the City Attorney.

Time:

6:31 p.m. - 7:01 p.m.

No report made.

## RECESS

7:01 p.m. - 7:05 p.m.

Mayor Schneider presiding.

Councilmembers present: Francisco, Hotchkiss, House, Self, White, Williams, Mayor Schneider.

Councilmembers absent: None.

Staff present: City Administrator Armstrong, City Attorney Wiley, City Clerk Services Manager Rodriguez.

## PUBLIC COMMENT

Speakers: No one wished to speak.

## CITY COUNCIL ADMINISTRATIVE AND ATTORNEY REPORTS

### COMMUNITY DEVELOPMENT DEPARTMENT

18. Subject: Plan Santa Barbara General Plan Update (650.05)

Recommendation: That Council:

- A. Continue Council discussion and deliberations concerning the Plan Santa Barbara General Plan update; and
- B. Adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Adopting the 2010 General Plan Update and Making Environmental Findings Pursuant to the California Environmental Quality Act.

(Continued from November 16, 2010, Agenda Item No. 13)

Documents:

- November 23, 2010, PowerPoint presentation prepared and made by staff.
- November 17, 2010, email communication from Kathy Patmore.
- November 19, 2010, email communication from Paul Hernadi.
- November 21, 2010, email communication from Cheryl Kelmar.
- November 22, 2010, email communication from Joe Rution.
- November 22, 2010, letter from First Vice-President Connie Hannah, Santa Barbara League of Women Voters.
- November 23, 2010, letter from Cathie McCammon.

The title of the resolution was read.

(Cont'd)

18. (Cont'd)

Speakers:

- Staff: City Planner Bettie Weiss, Principal Planner John Ledbetter.
- Members of the Public: Cathie McCammon; Gil Barry, Allied Neighborhoods Association; Kellam De Forest; Mickey Flacks.

Motion:

Councilmembers House/Williams to adopt the Plan Santa Barbara General Plan Update, incorporating the following:

- 1) The recommendations of the Plan Santa Barbara Working Group and Council Subcommittee, including the three straw poll votes, as noted on the Plan Santa Barbara Council Decision Matrix;
- 2) Provisional language contained in the introductory paragraph of Exhibit A of the proposed resolution; and
- 3) A unit tracking annual report on the development of larger projects within the Overlay Zone.

Vote:

Failed to carry by roll call vote (required a supermajority of five affirmative votes) (Ayes: Councilmembers House, White, Williams, Mayor Schneider; Noes: Councilmembers Francisco, Hotchkiss, Self).

**ADJOURNMENT**

Mayor Schneider adjourned the meeting at 8:53 p.m.

SANTA BARBARA CITY COUNCIL

SANTA BARBARA  
CITY CLERK'S OFFICE

\_\_\_\_\_  
HELENE SCHNEIDER  
MAYOR

ATTEST: \_\_\_\_\_  
CYNTHIA M. RODRIGUEZ, CMC  
CITY CLERK SERVICES MANAGER